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NO. 224 P. 3

Attorney Docket No. 12000US03

Patent

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AUG 15 2005

In re Application of: Laberteaux

Serial No.: 10/602,949

Filed: June 23, 2003

Title: **ECHO CANCELLER EMPLOYING DUAL-
H ARCHITECTURE HAVING VARIABLE
ADAPTIVE GAIN SETTINGS**

Continuation of Application

Application No.: 09/484,947

Filed: January 18, 2000

Continuation of Application

Application No.: 08/970,874

Filed: November 14, 1997

Examiner: Jeffrey F. Harold

Group Art Unit: 2644

I hereby certify that the identified and attached papers are being facsimile transmitted at 571-273-6300 on August 15, 2005.

By:


Cheryl M. Fernandez

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

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Patent

REMARKS

Claims 26-45 are pending in the application.

Claims 26-45 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent Nos. 6,240,180 ('180) and 6,031,908 ('908).

Specifically, the Examiner states that:

Claims 26-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent Nos. 6,240,180 and 6,031,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because the inventions are directed to echo cancelling using adaptive gain.
(5/16/2005 Office Action, p. 2)

The Applicants respectfully file the enclosed terminal disclaimers to overcome the rejection of Claims 26-45 under the doctrine of obviousness-type double patenting as being unpatentable over the claims of '180 and '908.

In view of the arguments set forth herein, it is respectfully submitted that the applicable rejections have been overcome. Accordingly, it is respectfully submitted that Claims 26-45 should be found in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account No. 500-654.

Respectfully submitted,

Dated: August 15, 2005

By:



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Attorney Docket No. 12000US03

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